

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARCO MEDINA-SALAS,)	4:05CV3211
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
TYSON FRESH MEATS, INC.,)	
)	
Defendant.)	

Defendant has filed a brief and index of evidence (filings 55 & 56)—without an accompanying motion—in response to the court’s order (filing 54) granting Plaintiff’s motion (filing 53) for an extension of time within which to respond to Defendant’s motion (filing 40) for summary judgment. Defendant’s brief asks the court to reconsider its order granting Plaintiff’s motion for an extension of time and to continue the pretrial conference and trial.

To the extent Defendant’s brief may be characterized as a motion for reconsideration, it shall be denied. See Fed. R. Civ. P. 6(b) (when act is required to be done within specified time by order of the court, court for cause shown may at any time in its discretion order the time period enlarged); NECivR 60.1(c) (motions for reconsideration are disfavored; such motions will ordinarily be denied unless showing is made of manifest error, new facts, or legal authority that could not have been brought to the court’s attention earlier).

Should counsel for the defendant wish the court to rule upon her request to continue the pretrial conference and trial in this matter, counsel should properly file such a motion pursuant to NECivR 7.1, including therein “a showing . . . of due diligence in the timely development of this case for trial and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.” (Progression Order, Filing 30 ¶ 11.)

IT IS ORDERED that to the extent Defendant's Brief in Opposition to Plaintiff's Motion to Continue and in Support of Defendant's Motion to Reconsider Order Granting Plaintiff's Motion (filing 55) may be characterized as a motion for reconsideration, it is denied.

July 12, 2006.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge